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Appln. Ser. No.:	Filed:	Inventor(s):	Atty Dkt:
09/578,391	25 May 2000	A. Sato	114GI-132 (0694-132)
Title: Blood Vessel Anastomosis Member and Method of Using the Same			
Examiner: Jessica Baxter		Art Unit: 3731	

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

2 Pages Total **VIA FACSIMILE**
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**RESPONSE
and Petition for Extension of Time**

Dear Sir:

This Response is made in reply to the final Office Action mailed 4 May 2004.

Pursuant to the provisions of 37 CFR 1.136(a), Applicants hereby petition for a two month extension of time to 4 October 2004 in order to respond to the final Office Action mailed 4 May 2004. Please debit Deposit Account No. 502144 for the fee under § 1.17 for the extension of time.

REMARKS

Reexamination and reconsideration of the subject application in light of the following remarks are respectfully requested.

The withdrawal of the rejection based on Das and Skeie as to the claims, and the objection to claims 5-10 and 16 is gratefully acknowledged.

However, designating the present action as "final" when a new ground of rejection is made, after an interview with the examiner and his supervisor, is believed improper and should be withdrawn.

Further, the final Office Action fails to mention or discuss the interview held with the Examiner and his Supervisor on 17 February 2004, as was discussed in the prior response filed 26 February 2004.

It is noted that a new examiner was subsequently assigned to this application.

As discussed during the interview, and clarified by the amendments made in the previous response: the plate is formed into a body used as an anastomosis member; and the protuberances are formed from the plate by deformation thereof as opposed to being merely the path through space of the bulk body. As mentioned during the interview, the term "each protuberance" was replaced in the previous amendments by reference to the antecedent "plurality of protuberances" to assure that infringement is not avoided by merely adding a different protuberance to the present invention.

The new rejection over Kaster apparently fails to appreciate a related topic discussed during the interview, namely: each bent portion of Kaster is not a protuberance because such bending at the tips is merely the path the bulk plate member takes through space; the tip does not constitute a deformation "formed from and extending from" the body, but rather is the terminus of the body.


In conclusion, the claims are now believed to be allowable, and advancement of this case to allowance is believed to be next in order, and such action is respectfully requested.

**CERTIFICATE OF MAILING OR
TRANSMISSION – 37 CFR 1.8**

I hereby certify that I have a reasonable basis that this paper, along with any referred to above, (i) are being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, or (ii) are being transmitted to the U.S. Patent & Trademark Office in accordance with 37 CFR § 1.6(d).

DATE: 22 Sept. 2004
NAME: Brad Ruben
SIGNATURE: Brad Ruben

Respectfully submitted,


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22 September 2004